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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,964

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Michael Price

WCP03921

5854

29328

7590

12/04/2006

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EXAMINER

CASTELLANO, STEPHEN J

ART UNIT

PAPER NUMBER

3781

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,964

Applicant(s)

PRICE, MICHAEL

Examiner

Stephen J. Castellano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7-2-04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

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The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rim being angled inwardly and downwardly from the periphery to the verge zone at an angle greater than the angle of the raised rib as stated in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

In viewing Fig. 3 and 6, it appears that a first portion of the raised rib adjacent to the peripheral edge is shallower and aligned with the top plane of the plate while a second portion of the raised rib adjacent to the verge zone is deeper and angled at the same angle of inclination as the rim. Therefore, the greater angle of inclination for the rim as compared to the angle of inclination for the raised rib is not shown.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 4-6 are objected to because the greater angle of inclination for the rim as compared to the angle of inclination for the raised rib is not shown.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the passageway opening" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the lip" in line 3. There is insufficient antecedent basis for this limitation in the claim.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over French in view of Di Biase.

French discloses a plate formed of china having a raised outwardly extending rim, a part circular opening (peripheral recess 4) through the rim, the opening having a passageway open to a peripheral edge of the rim, the part circular opening having an upper boundary surface angled

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inwardly and downwardly from adjacent the edge towards the well. French discloses the invention except for the central dished well, instead the central portion is dished upwardly to provide a platform which extends upwardly. Di Biase teaches a similar dish with a central dished well or a downwardly extending indentation in the upper surface. It would have been obvious to modify the geometry of the dish at the central planar portion to be dished downwardly to form a well in order to provide upwardly extending wall immediately adjacent to the central planar portion as the upstanding wall acts as a stop to assist in the scooping of food on to a spoon or fork when eating.

Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over French in view of Di Biase and Rousseau.

Re claim 2, French discloses a verge zone between the central planar portion and the rim, the central planar portion is modified to have a well as stated above in the Claim 1 rejection. The rim extending from the verge zone to the peripheral edge. French fails to disclose the raised rib. Di Biase teaches a raised rib surrounding the large opening and projecting above the surface of the rim in the area in close proximity to the opening for a wine glass stem. Rousseau also discloses a raised rib (upper rim 32) on the rim, surrounding the large opening and projecting above the surface of the rim. It would have been obvious to add the raised rim to provide a stop surface for a drinking vessel and as reinforcement in the area immediately adjacent to the large opening.

Re claim 3, the plane of the rim of French is angled inwardly and downwardly. The modification that adds the raised rib would add the rib to the already angled surface. Since the raised ribs of the teaching references of Di Biase and Rousseau teach a raised rib of constant

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height, the raised rib which is added to French would have a constant height in relation to the angled surface. Therefore, the raised rib would be angled with respect to the top plane defined by the periphery of the plate.

Re claim 4, a raised rib of constant height would be angled the same degree as the rim. A raised rim angled at zero degrees would be aligned with the top plane of the plate and have a raised rim of varying height with the highest point adjacent to the verge zone. It would have been obvious to optimize the tradeoff between a high rib with the most reinforcing strength and a low rib which saves material such that the rib is angled downwardly to a lesser degree than the rim's angle of inclination as a matter of engineering design choice.

Re claim 5, Official notice is taken that glazing is well known in the art of plates made of china. It would have been obvious to glaze the plate to provide a smooth surface which is easy to clean and sanitize between uses.


Re claim 6, Official notice is taken that ribs with rounded upper surfaces are well known. It would have been obvious to modify the ribs upper surface to be rounded such that the inner diameter surface is curved inwardly from top to bottom as a matter of design choice in providing rounded edges to alleviate the sharp edge hazard and cuts that may result from handling plates with sharp edges.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535. The examiner can normally be reached on increased flexibility plan (IFP).

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Stephen J. Castellano
Primary Examiner
Art Unit 3781

sjc